

**December 3, 2009 Minutes of
Bigfork Land Use Advisory Committee
Bethany Lutheran Church**

Committee members present: John Bourquin, Gary Ridderhoff, Al Johnson, Darrel Coverdell, Chuck Gough, Paul Guerrant, Shelley Gonzales, and 6 members of the public.

Chairman Gonzales called the meeting to order at 4: 05 pm.

The Agenda was adopted as presented (m/sc Johnson/Bourquin) – unanimous.
Minutes of the October 29, 2009 meeting were approved - unanimous. (m/sc Gough/Ridderhoff).

ADMINISTRATOR’S REPORT:

A. Sign-in Sheet: Reminder to the public of the availability of BLUAC minutes through email and BSC website bigforksteering.org/. Agendas are posted on the Flathead County Planning Office website flathead.mt.gov/

B. MAP Award - Shelley Gonzales – Tomorrow Dec. 4, 2009 10:00 Commissioners

C. Next regular meeting, January 7, 2010

APPLICATIONS:

A. MB Trust c/o Mountain High Construction (FZV-09-07): A Request by Peter Hoveland – Mountain High Construction, Inc. for a Zoning Variance to property within the Bigfork, R-4 (Two Family Residential) Zoning District. The applicants are requesting a variance to Section 3.12.040 (3) (B) of the Flathead County Zoning Regulations. The property is located at 122 Sunset Drive in Bigfork.

Staff: Andrew Hagemeyer stated that his report was still in the early stages due to the change in the meeting dates as the December BLUAC meeting would fall on a holiday. The applicant wants to build a garage and needs a setback variance which would encroach into the front 20’ setback. He received a letter from the Bigfork Water and Sewer District (copy in secretary’s notebook) stating that this main was installed in the 1960s. No easement was recorded as it was believed to be in the ROW. At this point Staff pointed out the criteria set forth in County Zoning Regulations addressing setbacks and the creation of hardships to applicants. In this case the hardship was not created by the applicant. The hardship is unique to this lot because of configuration and location.

Johnson: Because of other properties in the area similarly affected, this shouldn’t be a stumbling block in granting this variance.

Staff: I don’t think so; this is a unique problem particular to Bigfork. The variance will not adversely affect neighboring properties. Bigfork Water and Sewer has concerns about access to the manhole cover at the corner of the house. Perhaps the applicant and the sewer department can get together to find a solution or we may be able to come up with a condition for the

variance, more research needs to be done. Granting the variance would not grant a special privilege that is denied to other similar properties.

Johnson, Staff, Spencer of the BWSD: Then there ensued a lengthy conversation with regard to the problems that might arise with access to the sewer for cleanout.

Applicant: Peter Hoveland said there wasn't too much to add, other than to point out where other properties had encroached into the easement. The garage is going to be 22 ft instead of the normal 24ft length. The Applicant approached the committee with a blueprint of the proposed garage layout and a discussion ensued with regard to different layouts. No feasible conclusion was found.

Public Comment: None

BLUAC:

Bourquin: Is there any other way to configure this garage?

Applicant: I have moved plans around and this is the best way at this time.

Johnson: Asked about a feasibility study?

Applicant: I can state with 99% percent accuracy, nothing could be changed without considerable expense to my client.

Guerrant: Also suggested a feasibility study from Bigfork Sewer and Water on why they can't encroach 5 ft into non-existent easement.

Bigfork Sewer and Water: Something like that would be setting a precedent.

Applicant: I agree with Bigfork Sewer and Water.

Guerrant: moved to approve the application (FZV-09-07) with the request that Bigfork Sewer and Water to outline their ability to access the manhole before the January Board of Adjustment meeting on January 7, 2010. It was seconded by Coverdell.

Discussion Followed: with regard to having the request included in the main motion. It was decided to withdraw the request of Bigfork Water and Sewer. Guerrant/Coverdell withdrew the conditions.

Vote on the main motion passed.

A motion was made for the Bigfork Water and Sewer to report to the Board of Adjustment by December 31, 2009 on their feasibility to clean the man hole on Sunset. (m/scGonzales/Guerrant) Passed.

D. Old Business:

Craig Wagner from the BSC reported that Edd Blackler Chairman of the Bigfork Information Committee has place on the BSC Web Page his request for photos and pictures of buildings and places that are in sync with Bigfork style. These pictures don't need to be in this area, they can be anywhere.

Please go to Bigfork steering.org and you will find his plea.

Drew Hubastek is still head of the Dark Sky Committee and Craig will get in touch with him since he was working out of town.

E. New Business: None

F. Public Comment: None

Adjourn: Meeting Adjourned at 5:35 P. M.

Acting Secretary, Pat Wagner

